

REMARKS

Claims 1 through 3, 5 through 16, 18 and 19 remain pending in the present application. Claims 1 and 10 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Gray for the courtesies extended to him during a personal interview on July 15, 2003. At the interview, an agreement was not reached.

During the interview, Claim 1 was discussed with respect to language defining sealing so as to enable cleaning of the fan blades. With respect to Claim 10, it was pointed out that the Raab reference teaches supports that are only in one of two positions.

REJECTION UNDER 35 U.S.C. § 103(A)

The Examiner has rejected Claims 1 through 3, 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Hung in view of Shibuya et al. The Examiner alleges that this combination discloses Applicant's invention. Also, the Examiner rejects Claims 1, 7, 8, 10 through 16 and 19 as being unpatentable under 35 U.S.C. §103(a) as being unpatentable over Raab et al in view of Shibuya et al.

Claim 1 defines an air circulation device. The air circulation device includes, among other elements, a rigid casing sealing the motor and associated bearings creating a liquid impermeable seal. The seal enables the air circulation device to be subject to liquids to clean the fan blades while preventing corrosion and damage due to the liquids.

The art cited by the Examiner, specifically Hung and Shibuya et al, fail to disclose or suggest Applicant's invention. The Hung reference illustrates an electric fan in a hair dryer. The fan enables air to pass around the motor and into a stage housing. The air then exits the stage housing. The Examiner combines the Hung reference with Shibuya et al to allege that a sealed motor could be combined with the Hung reference.

However, there is no motivation, suggestion or teaching of the combination of these references. Hung relates to a blow dryer. A blow dryer is used to dry one's hair. Whether it has a hermetically sealed motor or not is indifferent. This is due to the fact that one drying their hair does not consider passing a liquid through his hair dryer. Also, since the air coming through the blow dryer would be blowing at the user's wet hair, the wetness in the hair would be blow away from the blow dryer. Thus, there is no need to have a hermetically sealed motor as suggested by the Examiner. Thus, there is no motivation or suggestion to combine these references except through hindsight reconstruction. It is well known that hindsight reconstruction is impermissible. Thus, Applicant believes Claim 1 to be patentably distinct over the art cited by the Examiner.

The Raab and Shibuya et al references fail to disclose or suggest Applicant's invention. The Raab reference focuses on its feet mechanism which rotate from a first position, where the fan is stored in the box, to a second position, where the fan may be utilized for its intended purpose. There is no mention of the motor mechanism with respect to suggesting the motor be sealed as claimed by Applicant. Thus, the combination with Shibuya et al, is only combined through hindsight reconstruction by the Examiner. Only by picking and choosing isolated elements and using the Applicant's invention as a template can the Examiner allege that these two references

would render Applicant's invention obvious. Thus, Applicant asserts Claim 1 is patentably distinct over the art cited by the Examiner.

Thus, Applicant believes independent Claim 1, as well as dependent Claims 2 through 3 and 5 through 9, to be patentably distinct over the art cited by the Examiner.

Claim 10, a second independent claim, defines an air circulation device which includes an elongated support. The support is pivotally disposed and positioned in an extended position, a contracted position or any desired intermediate position between the extended and contracted positions to support the air circulation device in a number of different elongated support member positions.

The Raab reference, cited by the Examiner, fails to disclose or suggest Applicant's invention. The Raab reference discloses feet which include a spring mechanism to move the feet from a position fitting in a box to an extended position. There is no teaching or suggestion of an intermediate position in the Raab reference. Thus, by suggesting that the Raab reference could be modified to have intermediate positions, would destroy the function of the Raab reference since Raab is designed to move from a storage position to a use position. There is no mention or suggestion of any intermediate positions. To provide an intermediate position, as suggested by the Examiner, would render the spring mechanism, a claimed element of the device, inoperable for its intended purpose since there is no suggestion or teaching as to how such a spring mechanism would be utilized to move the feet into an intermediate position. Accordingly, the Examiner is applying impermissible hindsight to allegedly render Applicant's invention obvious.

Accordingly, Applicant believes Claim 10, as well as Claims 11 through 19 which dependent from Claim 10, to be patentably distinct over the art cited by the Examiner.


In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 5, 2003

By:


W. R. Duke Taylor
Reg. No. 31,806

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

WRDT/jp